



State of Utah

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DAQ-084-08

M E M O R A N D U M

TO: Air Quality Board

THROUGH: Cheryl Heying, Executive Secretary

FROM: Kimberly Kreykes, Environmental Planning Consultant

DATE: November 18, 2008

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-101-3, General Requirements:
Version of Code of Federal Regulations Incorporated by Reference.

On February 2, 2008, the Air Quality Board (AQB) approved R307-101-3 which incorporated by reference the current Code of Federal Regulations (CFR) used in a majority of rules adopted by the AQB. This allows rules that reference R307-101-3 to update the incorporation date with only one rule amendment. The most current version of the CFR for environmental regulations has been updated from July 1, 2007, to July 1, 2008; therefore it is necessary to change R307-101-3.

Attached is a list of changes to 40 CFR from July 1, 2007, to July 1, 2008, that affect rules which reference R307-101-3.

Staff Recommendation: DAQ staff recommends that the Board propose the amended R307-101-3 for public comment.

1 R307. Environmental Quality, Air Quality.

2 R307-101. General Requirements.

3 R307-101-3. Version of Code of Federal Regulations Incorporated
4 by Reference.

5 Except as specifically identified in an individual rule, the
6 version of the Code of Federal Regulations[—](CFR) incorporated
7 throughout R307 is dated July 1, 200[7]8.
8

9 KEY: air pollution, definitions

10 Date of Enactment or Last Substantive Amendment: February 8, 2008

11 Notice of Continuation: February 8, 2008

12 Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)
13
14

Rule	CFR	Summary of Changes
R307-101-2 voc	40 CFR 51.100(s)(1)	No Change
R307-115	40 CFR Part 93, Subpart B	No Change
R307-221-2	Definitions 40 CFR Part 60.751	No Change
R307-221-3	40 CFR 60.752 through 60.759, including Appendix A	<p>September 7, 2007 (Volume 72, Number 173, Page 51501): Two Optional Methods for Relative Accuracy Test Audits of Mercury Monitoring Systems Installed on Combustion Flue Gas Streams and Several Amendments to Related Mercury Monitoring Provisions.</p> <p>This action approved two optional mercury (Hg) emissions test methods for potential use in conjunction with an existing regulatory requirement for Hg emissions monitoring, as well as several revisions to the Hg monitoring provisions themselves. This action was in regard to the testing and monitoring requirements for Hg specified in the Federal Register on May 18, 2005. This action allowed the use of these two optional methods entirely at the discretion of the owner or operator of an affected emission source in place of the two currently specified methods. This direct final rule also amended Performance Specification 12A by adding Methods 30A and 30B to the list of reference methods acceptable for measuring Hg concentration and the Hg monitoring provisions of May 18, 2005, to reflect technical insights since gained by EPA which will help to facilitate implementation including clarification and increased regulatory flexibility for affected sources.</p> <p>September 28, 2007 (Volume 72, Number 188, Page 55278): Correction of Two Optional Methods for Relative Accuracy Test Audits of Mercury Monitoring Systems Installed on Combustion Flue Gas Streams and Several Amendments to Related Mercury Monitoring Provisions.</p> <p>This action corrected minor errors in a final rule published September 7, 2007 (Volume 72, Number 173, Page 51501).</p> <p>May 22, 2008 (Volume 73, Number 100, Page 29691): Update of Continuous Instrumental Test Methods: Technical Amendments.</p> <p>This action corrected errors in a final rule published May 15, 2006, which updated five continuous instrumental test methods. As published, the rule contained errors and provisions that needed to be clarified. EPA published a direct final rule with a parallel proposed rule on September 7, 2007 to correct the errors and add clarifying language. However, adverse comments were received on the direct final rule and it was withdrawn on November 5, 2007. This action finalized the parallel proposal. In this final rule, EPA corrected errors, clarified certain provisions, and responded to the adverse comments received on the direct final rule published on September 7, 2007.</p>
R307-221-4	Section 40 CFR Part 60.18	No Change
R307-222-2	40 CFR 60.31e	No Change
R307-222-2	40 CFR 60.51c	No Change

R307-222-3	40 CFR 60.52c(b), 40 CFR 60.53c, 40 CFR 60.55c, 40 CFR 60.58c(b) excluding (b)(2)(ii) and (b)(7), and 40 CFR 60.58c(c) through (f)	No Change
R307-222-4	Table 1 in 40 CFR Part 60, Subpart Ce, 40 CFR 60.57c, and 40 CFR 60.56c excluding 56c(b)(12) and 56c(c)(3)	No Change
R307-222-5(2)	Table 2 in 40 CFR Part 60, Subpart Ce	No Change
R307-222-5(3)	40 CFR 60.36e(a)(1) and (a)(2)	No Change
R307-222-5(4)	Testing requirements of 40 CFR 60.37e(b)(1) through (b)(5)	No Change
R307-222-5(5)	40 CFR 60.37e(d)(1) through (d)(3)	No Change
R307-222-5(6)	40 CFR 60.38e(b)(1) and (b)(2)	No Change
R307-223-1(2)	In 40 CFR 60.1555(a) through (k)	No Change
R307-223-2(1)	40 CFR 60.1940,	No Change
R307-223-2(2)	Equations found in 40 CFR 60.1935	No Change
R307-223-3(1)	40 CFR 60.1540 and 60.1585 through 60.1905, and with the requirements and schedules set forth in Tables 2 through 8 that are found following 40 CFR 60.1940 for operator training and certification	No Change

R307-224-2	40 CFR Part 60, subpart HHHH, Sections 60.4101 through 60.4124; (b) Sections 60.4142 paragraph (c)(2) through paragraph (c)(4); (c) Sections 60.4150 through 60.4176.	<p>October 19, 2007 (Vol. 72, No. 202, Page 59205): Revisions to Definition of Cogeneration Unit in Clean Air Interstate Rule (CAIR), CAIR Federal Implementation Plans, Clean Air Mercury Rule (CAMR); and Technical Corrections to CAIR, CAIR FIPs, CAMR, and Acid Rain Program Rules.</p> <p>Section 60.4102 was amended as follows:</p> <ul style="list-style-type: none"> a. Added, in alphabetical order, a new definition of “Biomass;” b. In the definition of “Cogeneration unit,” removed the period at the end of paragraph (2)(ii) and added in its place a semicolon and by adding a new paragraph (3); and c. Added a sentence at the end of the definition of “Total energy input.”
R307-310-2	Definitions contained in 40 CFR 93.101	<p>January 24, 2008 (Vol. 73, No. 16, Page 4429): Revisions to the Continuous Emissions Monitoring Rule for the Acid Rain Program, NO_x Budget Trading Program, Clean Air Interstate Rule, and the Clean Air Mercury Rule.</p> <p>EPA finalized rule revisions that modified existing requirements for sources affected by the federally administered emission trading programs including the NO_x Budget Trading Program, the Acid Rain Program, the Clean Air Interstate Rule, and the Clean Air Mercury Rule. The revisions were prompted primarily by changes being implemented by EPA's Clean Air Markets Division in its data systems in order to utilize the latest modern technology for the submittal of data by affected sources. Other revisions addressed issues that were raised during program implementation, fixed specific inconsistencies in rule provisions, or updated sources incorporated by reference. These revisions did not impose significant new requirements on sources with regard to monitoring or quality assurance activities.</p> <p>Section 93.101 was amended as follows:</p> <ul style="list-style-type: none"> a. Revised the definitions for “Metropolitan planning organization (MPO)” and “Transportation improvement program (TIP);” and b. Revised the first sentence of the definition for “Transportation control measure (TCM).”
R307-417-1	40 CFR Part 72	<p>September 7, 2007 (Vol. 72, No. 173, Page 51527): Two Optional Methods for Relative Accuracy Test Audits of Mercury Monitoring Systems Installed on Combustion Flue Gas Streams and Several Amendments to Related Mercury Monitoring Provisions.</p> <p>Revised the definition of “sorber trap monitoring system” in § 72.2.</p> <p>October 19, 2007 (Vol. 72, No. 202, Page 59205): Revisions to Definition of Cogeneration Unit in Clean Air Interstate Rule (CAIR), CAIR Federal Implementation Plans, Clean Air Mercury Rule (CAMR); and Technical Corrections to CAIR, CAIR FIPs, CAMR, and Acid Rain Program Rules.</p> <p>The authority citation for Part 72 was revised to read as follows: Authority: 42 U.S.C. 7601 and 7651 et seq.</p> <p>Section 72.24 was amended in paragraph (a)(9), introductory text, by removing the words “life-of-the-unit, firm power contractual arrangements” and adding in their place the words “a life-of-the-unit, firm power contractual arrangement.”</p> <p>January 24, 2008 (Vol. 73, No. 16, Page 4340): Revisions to the Continuous Emissions Monitoring Rule for the Acid Rain Program, NO_x Budget Trading Program, Clean Air Interstate Rule, and the Clean Air Mercury Rule.</p> <p>Section 72.2 was amended as follows:</p> <ul style="list-style-type: none"> a. Revised the definition of “Capacity factor;”

		<p>b. In the definition of “Diluent cap,” removed the words “CO₂ mass emission rate, or heat input rate” after the words “NO_x emission rate;”</p> <p>c. In the definition of “EPA protocol gas,” added a new sentence to the end of the definition;</p> <p>d. Revised the definition of “Excepted monitoring system;”</p> <p>e. Added the new definitions in alphabetical order for “Air Emission Testing Body (AETB),” “EPA Protocol Gas Verification Program,” “Long-term cold storage,” “NIST traceable elemental Hg standards,” “NIST traceable source of oxidized Hg,” “Qualified Individual,” and “Specialty gas producer;” and</p> <p>f. Removed the definition for “Research gas material (RGM).”</p>
R307-417-2	40 CFR Part 75	<p>September 7, 2007 (Vol. 72, No. 173, Page 51527): Two Optional Methods for Relative Accuracy Test Audits of Mercury Monitoring Systems Installed on Combustion Flue Gas Streams and Several Amendments to Related Mercury Monitoring Provisions</p> <p>January 24, 2008 (Vol. 73, No. 16, Page 4340): Revisions to the Continuous Emissions Monitoring Rule for the Acid Rain Program, NO_x Budget Trading Program, Clean Air Interstate Rule, and the Clean Air Mercury Rule</p> <p>February 13, 2008 (Vol. 73, No. 30, Page 8408): Correction: Revisions to the Continuous Emissions Monitoring Rule for the Acid Rain Program, NO_x Budget Trading Program, Clean Air Interstate Rule, and the Clean Air Mercury Rule.</p> <p>Part 75 Appendix F Eq. (F-8) was corrected.</p>
R307-417-3	40 CFR Part 76	No Change
R307-801-4	40 CFR 763 Subpart E, and appendices	No Change
R307-840-2	40 CFR 745.63, 40 CFR 745.83, and 40 CFR 745.223,	See next agenda item.
R307-840-3	40 CFR 745.61, 745.65, 745.80, 745.81, 745.82, 745.85, 745.86, 745.88, 745.225(a) through (g) and (i), 745.226 (a) through (h), 745.227, and 745.233	See next agenda item.